

## 2 Am. Jur. 2d Administrative Law § 562

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### Administrative Law

Glenda K. Harnad, J.D.; Janice Holben, J.D.; Sonja Larsen, J.D. and Karl Oakes, J.D.

### IX. Liability of Administrative Agencies

#### § 562. General rule as to discretionary, judicial, or quasi-judicial acts—What constitutes judicial or quasi-judicial functions

[Topic Summary](#) | [Correlation Table](#) | [References](#)

##### West's Key Number Digest

West's Key Number Digest, [Administrative Law and Procedure](#)  117

Administrative enforcement agencies often perform multiple functions, some but not all of which are quasi-judicial. Conducting hearings on the prosecution of violations resembles the inherently discretionary roles of judge and prosecutor,<sup>1</sup> and state administrative proceedings are sufficiently comparable to judicial proceedings to warrant the extension of immunity to an administrative hearing officer engaging in a function that is quasi-judicial in nature.<sup>2</sup> For example, a workers' compensation board, in making compensation awards, acts as a quasi-judicial body of limited jurisdiction, and members of the board are entitled to immunity.<sup>3</sup> A person acting as an administrative hearing officer in making and certifying a hearing record is engaged in a discretionary quasi-judicial function and is entitled to immunity even though the officer may have erred in including documents in the record when they were not formally entered into evidence at the hearing as long as he or she did not act in the clear absence of all authority.<sup>4</sup> In contrast, performing a nondiscretionary ministerial task, such as a factual analysis of comparable rents, is more analogous to the function of a subordinate clerk in the executive branch and is not entitled to immunity.<sup>5</sup>

Whether an agency is immune from liability for its rulemaking decisions also depends on whether the agency is exercising discretion.<sup>6</sup>

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### Footnotes

<sup>1</sup> [Broadway & 67th St. Corp. v. City of New York](#), 116 Misc. 2d 217, 455 N.Y.S.2d 347 (Sup 1982), order rev'd on other grounds, [100 A.D.2d 478](#), 475 N.Y.S.2d 1 (1st Dep't 1984).

<sup>2</sup> [Loran v. Iszler](#), 373 N.W.2d 870 (N.D. 1985).

<sup>3</sup> [Industrial Commission v. Superior Court In and For Pima County](#), 5 Ariz. App. 100, 423 P.2d 375 (1967). As to workers' compensation boards' powers and functions, generally, see [Am. Jur. 2d, Workers' Compensation §§ 48, 50](#).

**§ 562. General rule as to discretionary, judicial, or..., 2 Am. Jur. 2d...**

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<sup>4</sup> [Loran v. Iszler, 373 N.W.2d 870 \(N.D. 1985\).](#)

<sup>5</sup> [Broadway & 67th St. Corp. v. City of New York, 116 Misc. 2d 217, 455 N.Y.S.2d 347 \(Sup 1982\), order rev'd on other grounds, 100 A.D.2d 478, 475 N.Y.S.2d 1 \(1st Dep't 1984\).](#)

<sup>6</sup> [Pendergrass v. State, 74 Or. App. 209, 702 P.2d 444 \(1985\).](#)

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